

REMARKS

The proposed additional Claims 42 - 52 replace Claims 31-41 that have been cancelled. Claims 42 - 52 contain limitations that mirror those of cancelled Claims 31 – 41, respectively. Claims 42-52 have been added to replace Claims 31 – 41 in response to newly adopted rule §1.75(b)(2) regarding cross-statutory-category claims. Thus Claims 42 – 52 mirror claims previously examined and allowed, both in language, scope, and in language and scope of the claims upon which they depend, if any. Thus, the new claims do not present any new language, new limitation, or any new combination of limitations, that was not earlier examined. Further consideration is not required.

M.P.E.P. 714.16 states that amendments to claims after allowance should be accompanied by remarks that fully and clearly state the reasons on which reliance is placed to show: (1) why the amendment is needed; (2) why the proposed amended claims require no additional search; (3) why the claims are patentable; and (4) why they were not presented earlier. Accordingly, the following remarks are provided:

(1) Why the amendment is needed. The claims have been replaced in response to the rules recently adopted by the USTPO (Federal Register, August 21, 2007). Rule §1.75(b)(2) provides that a claim that refers to a claim of a different statutory class of invention will be treated as an independent claim for fee calculation purposes. These new claims avoid referring to any claim of a different statutory class so as not to be treated as an independent claim.

(2) Why the proposed amended or new claims require no additional search or examination. As mentioned previously, each of the new claims has the same features as previous claims that have already been examined and allowed. Thus, the new claims do not present any new limitation, or any new combination of limitations, that was not earlier examined.

(3) Why the claims are patentable. The new claims are patentable for exactly the same reasons that their corresponding method claims are patentable. Furthermore, as dependant claims, the new claims are statutorily allowable.

(4) Why they were not earlier presented. The new claims were not presented earlier because the new rules were not yet adopted by the USPTO. The new rules were adopted after allowance of the claims and thus it was not known prior to allowance that these amendments would be needed.

For the foregoing reasons, entry and allowance of the amendments and additional claims presented by this amendment is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER

/RobertSChee#58554/
Robert S. Chee
Registration No. 58,554

Date: August 29, 2007
2055 Gateway Place, Suite 550
San Jose, CA 95110
Telephone: (408) 414-1080
Facsimile: (408) 414-1076
ile: (408) 414-1076